## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

	§	
AL JOHNSON,	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	Civil Action No. 3:12-cv-5002-O
	§	
CITY OF DALLAS, et al.,	§	
	§	
Defendants.	§	
	§	
	§	

## ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case (ECF No. 8). No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate. Accordingly, it is **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution and that and Plaintiff's motion to proceed *in forma pauperis* is **DENIED** as moot.

The Court **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED on this 19th day of February, 2013.

UNITED STATES DISTRICT JUDGE